REMARKS

Claims 1-8, 10-14 and 16-43 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, it was asserted that the claims define a non-statutory process because the claims are directed toward data structures which are descriptive material per se and are not statutory because they are not capable of causing functional changes in the computer. Furthermore, it was asserted that computer programs do not define any structural and functional interrelationship between the computer program and other claimed elements of a computer which permit the computer programs functionality to be realized.

CLAIMS 1-8 AND 10-12

As amended, claim 1 is directed to a computer-readable storage medium encoded with functional descriptive material. In particular, the functional descriptive material consists of a compiler that produces a binary grammar from a markup language grammar and a grammar engine that provides the binary grammar to a speech recognition engine. Thus, the compiler and the grammar engine perform functions.

As found in the Interim Guidelines, which are provided in MPEP 2106.01, "[a] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." Thus, the Interim Guidelines clearly indicate that computer-readable storage media claims are patentable if they are directed to functional descriptive material. Since claims 1-8 and 10-12 claim a computer-readable storage media that encodes functional descriptive material, they are directed to statutory subject matter under 35 U.S.C. §101 and MPEP 2106.01.

CLAIMS 13, 14 AND 16-29

Independent claim 13 is directed to a computer-readable storage medium having computer interpretable instructions that include an application providing a speech interface that expects to receive speech from a user as possible input and a grammar associated with the application and defining valid word patterns for the user's speech.

Claim 13 is thus directed to a computer-readable storage medium which encodes a program. As such, according to the sentence of MPEP 2106.01 quoted above, claim 13 is directed to statutory subject matter as are claims 14 and 16-29, which depend therefrom.

CLAIMS 30-43

Claim 30 provides a computer-readable storage medium encoded with a data structure defining a grammar used in speech recognition. The data structure comprises a grammar structure delimited with rule tags wherein all of the rule tags for the grammar are delimited within grammar tags.

As amended, claim 30 represents statutory subject matter because it is directed to a computer-readable storage medium encoded with a functional data structure. As indicated in MPEP 2106.01(I)(first paragraph), "[a] claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." The functionality of the data structure in claim 30 is that it defines a grammar used in speech recognition.

Since MPEP 2106.01 clearly indicates that a computer-readable medium encoded with a functional data structure is statutory subject matter, claims 30-43 are patentable under 35

U.S.C. § 101.

CONCLUSION

In light of the above remarks, claims 1-8, 10-14, and 16-43 are in form for allowance. Reconsideration and allowance of the claims is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: _____

Theodore M. Magee, Reg. No. 39,758
Suite 1400, 900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 339-3312

TMM:sew